

July 31, 2003

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Serial No.: 09/656,987

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-- REMARKS --

In the Non-Final Office Action, Examiner Williams rejected pending claims 1-10 on various grounds. The Applicants respond to each rejection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.114:

- A. Examiner Williams rejected pending claims 1-8 and 10 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,578,892 to *Whitman et al.* in view of U.S. Patent No. 6,129,980 to *Tsukada et al.*

The Applicant has thoroughly considered Examiner Williams' remarks concerning the patentability of claims 1-8 and 10 over *Whitman* in view of *Tsukada*. The Applicant has also thoroughly read *Whitman* and *Tsukada*. To better differentiate the present invention over *Whitman* in view of *Tsukada*, the Applicant has cancelled claims 1-8 and 10 herein without prejudice or disclaimer to the subject matter of claims 1-8 and 10, and added new independent claim 11. The Applicant respectfully asserts that art of record in combination fail to disclose, teach or suggest "a plurality of pigment particles dispersed through said organically modified silane network, said plurality of pigment particles for absorbing a first portion of the visible light propagating through said light-absorbing coating (3) without generating a light scattering of a second portion of the visible light propagating through said light-absorbing coating (3)" as recited in independent claim 11.

In particular, *Whitman* fails to disclose, teach or suggest the aforementioned limitation of independent claim 11 as previously recognized by Examiner Williams. Additionally, a careful review of *Tsukada* reveals the failure by *Tsukada* to disclose, teach or suggest the aforementioned limitation of independent claim 11. Specifically, *Tsukada* teaches a pigment filler within a low refractive index layer for facilitating a scattering of light as part of an anti-glare function, and fails to teach the pigment filler for

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absorbing a first portion of the light without generating a light scattering of a second portion of the light as part of any function. See, *Tsukada* at column 16, line 44 to column 17, line 17; and column 22, lines 31-50.

Withdrawal of the rejection of claims 1-8 and 10 under 35 U.S.C. §103(a) as being unpatentable over *Whitman* in view of *Tsukada*, and an allowance of independent claim 11 over the art of record is therefore respectfully requested.

New claims 12-25 depend from independent claim 11. Therefore, dependent claims 12-25 include all of the elements and limitations of independent claim 11. It is therefore respectfully submitted by the Applicant that dependent claims 12-25 are allowable over the art of record, in particular *Whitman* in view of *Tsukada*, for at least the same reason as set forth with respect to independent claim 11 being allowable over the art of record. Allowance of claims 12-25 is therefore respectfully requested.

- B. Claim 9 was rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 5,578,892 to *Whitman* et al. in view of U.S. Patent No. 6,129,980 to *Tsukada* et al. and in further view of U.S. Patent No. 5,863,321 to *Crumley* et al.

The Applicant has cancelled dependent claim 9 herein without prejudice or disclaimer of the subject matter of dependent claim 9. Withdrawal of the rejection of dependent claim 9 under 35 U.S.C. §103(a) being unpatentable over *Whitman* in view of *Tsukada* and in further view of *Crumley* is therefore respectfully requested.

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**SUMMARY**

Examiner Williams' obviousness rejections of claims 1-10 have been obviated by the cancellation herein of claims 1-10. The Applicant has provided support herein for the allowance of new claims 11-25 over the art of record. The Applicant respectfully submits that claims 11-25 fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing, favorable consideration and early passage to issue of the present application is respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Williams is respectfully requested to contact the undersigned at the telephone number listed below.

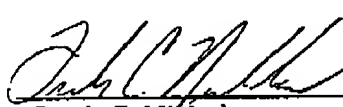
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